

**United States Bankruptcy Court  
Eastern District of Michigan**

In re Joiseppi Lombardo  
Debra Lombardo

Debtor(s)

Case No. 11-55577-T  
Chapter 13

**SECOND APPLICATION FOR APPROVAL OF PAYMENT FOR POST CONFIRMATION  
ATTORNEY FEES AS AN ADMINISTRATIVE EXPENSE THROUGH CHAPTER 13 PLAN  
PURSUANT TO L.B.R. 9014-1 (E.D.M.) FROM 12/3/11 THROUGH 8/14/14**

Now Comes Babut Law Offices, PLLC with, William C. Babut, J. Gregory Frye and Thomas Paluchniak, Attorneys for the Debtors herein, who move this Honorable Court as follows:

1. That on 6/2/11 Debtors filed a Chapter 13 proceeding which was confirmed on 10/5/11.
2. Services performed during this period totaled \$695.50 plus costs in the amount of \$43.80.
3. That pursuant to L.B.R. 2016-1(a)(3) (E.D.M.) and the fee agreement the services performed involved counseling debtor re: meetings and/or phone conversations with debtors regarding case status, prepare and file certificate of no response for first application for pre and post attorney fees, submit proposed order approving first application for attorney fees for entry with the court, review of case on the chapter 13 trustee's network, review transfers of claims other than for security, prepare letters to trustee, prepare letters to debtors, prepare and file stipulation and order for order to amend payment order, submit proposed order to amend payment order for entry with the court and prepare and file second application for post confirmation attorney fees.
4. That pursuant to L.B.R. 2016-1(a)(4)(E.D.M.) applicant did file an Adversary Proceeding to strip second mortgage from creditor American Home Mortgage Servicing, Inc. as successor in interest to Option One Mortgage Corp and an order determining the extent of the second lien on 7/28/11 and case was closed 7/28/11.
5. That pursuant to L.B.R. 2016-1(a)(5)(E.D.M.) the current status of case is a 60 month plan in its 34th month. That this case is currently running slightly longer then 60 months. That debtors have paid in 95.41% to the trustee's.
6. That pursuant to L.B.R. 2016-1(a)(5)(C)(E.D.M.) the approval of the fee application does not have an adverse impact as the debtors have \$1244.76 balance on hand (see attached F). That this application can be funded by the balance on hand.
7. That pursuant to L.B.R. 2016-1(a)(6)(E.D.M.) applicant will continue to maintain, observe and monitor this case throughout the next approximate 31 months.
8. That pursuant to L.B.R. 2016-1 (a)(7) (E.D.M.) the amount and nature of accrued unpaid administrative expenses were \$0.00.
9. That pursuant to L.B.R. 2016-1(a)(8)(E.D.M.) the application does not seek an award for services of more then one attorney and Paralegal for each specific instance.
10. That pursuant to L.B.R. 2016-1(a)(9)(E.D.M.) this applicant's second application.
11. That pursuant to L.B.R.2016-1(a)(10)(E.D.M.) applicant seeks concurrence of the requested fees as set forth in Exhibit B.
12. That pursuant to L.B.R.2016-1(a)(11)(E.D.M.) applicant has attached hereto the following Exhibits:

**Exhibit A** shall be the proposed order granting the application

**Exhibit B** shall be a summary statement of the hours of service rendered by each professional and paraprofessional, the hourly rate of each, and itemized time record of each service for which an award of compensation is sought, and an itemized statement of expenses for which reimbursement is sought.

**Exhibit C** shall be a copy of the applicants' statement under F.R.Bankr.P.2016(B) or a copy of the applicant's retention agreement.

**Exhibit D** shall be the attorneys Biographical Statement.

**Exhibit E** shall be the Debtors requesting approval of application by way of a letter and 7 days have passed with no response from debtors.

WHEREFORE, Babut Law Offices, PLLC requests an order awarding the sum of \$695.50 as fees, and \$43.80 as expenses for a total compensation of \$739.30 and debtors' counsel having previously received \$4368.34, for prior fees award.

Attorney /s/ Thomas Paluchniak

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**Thomas Paluchniak P70284**  
**Babut Law Offices, PLLC**  
**700 Tonwer Street**  
**Ypsilanti, MI 48198**  
**734-485-700**  
**pmontgomery@babutlaw.com**

**United States Bankruptcy Court  
Eastern District of Michigan**

In re **Joiseppi Lombardo**  
**Debra Lombardo**

Debtor(s)

Case No. **11-55577-T**  
Chapter **13**

**ATTORNEY'S BIOGRAPHICAL STATEMENT IN SUPPORT OF APPLICATION FOR FEES**

William C. Babut, counsel for Debtor herein, submits the following brief biographical statement in support of his Application for Attorney Fees as follows:

1. Date and Place of Birth: April 24, 1960; Niagara Falls, NY
2. Educational Achievements:
  - A. New York State High School Regents Diploma - 1978
  - B. Bachelor of Arts - Eastern Michigan University (Business - Major: Accounting)
  - C. Passed CPA Exam - 1985
  - D. Thomas M. Cooley Law Review - 1986-1987
  - E. Juris Doctor with Distinction - Thomas M. Cooley Law School - 1987
3. Professional Membership and Associations:
  - A. Washtenaw County Bar Association
  - B. State Bar of Michigan - admitted to practice May 16, 1988
  - C. U.S. Court of Appeals for the Sixth Circuit
  - D. U.S. District Court for the Eastern District of Michigan
  - E. U.S. District Court for the Western District of Michigan
  - F. Consumer Bankruptcy Association
  - G. Professional Business Association - 1995 to present
  - H. Treasurer - Charter Township of Augusta - 1999 to 2007
  - I. Washtenaw County Treasurers Association
4. Continuing Education:
  - A. Chapter 13 Seminar; Consumer Bankruptcy Association and Office of the Chapter 13 Standing Trustee - Detroit; Troy, Michigan - September 4, 1999 - 7 hours
  - B. Consumer Bankruptcy Association, Brown Bag Lunch Seminar: Income Tax Intersections with Chapters 7 & 13; Detroit, MI, July 23, 2003 - 1.25 hours
  - C. Consumer Bankruptcy Association 2003 Seminar; Troy, MI October 3, 2003 - 6 hours
  - D. New Bankruptcy Code Seminar; Detroit, MI, June 3, 2005 - 4 hours
  - E. BAPCPA One Year Later A Columbus Day Seminar; Novi, MI, October 9, 2006 - 7 hours
  - F. Consumer Bankruptcy Association, "Nuts & Bolts" Approach Seminar; Sterling Heights, MI, May 7, 2007 - 5 hours
5. Certifications and Ratings:
  - A. Martindale - Hubbard - "CV" rated
6. Estimated number of filings in bankruptcy by attorney:

	<u>Ch. 7</u>	<u>Ch. 11</u>	<u>Ch. 13</u>
totals through 8/20/08	2732	8	510

Thomas Paluchniak, Associate

1. Place of Birth: Dearborn, Michigan.
2. Educational Achievements:
  - A. Graduate of the Fashion Institute of Technology, Associate Menswear Design, 1994
  - B. Eastern Michigan University, Bachelor of Science, Philosophy, 2000
  - C. Wayne State University College of Law, Juris Doctor 2005
    - i. Moot Court (2 years)
    - ii. Law Review (2 years)
3. Professional Membership and Associations:
  - A. State Bar of Michigan, admitted to practice 2006

- B. U.S. District Court for the Eastern District of Michigan, admitted to practice 2008
- C. U.S. District Court for the Western District of Michigan, admitted to practice 2010
- D. Consumer Bankruptcy Institute, Plymouth, Michigan, April 1, 2011 - 7 hours
- 4. Estimated number of bankruptcy filings as attorney of record: 340
- 5. Estimated number of total bankruptcy filings involved with under Chapter 7 & 13: 1500

Patricia E. Montgomery, Paralegal:  
High School Diploma

- 1. Date and Place of Birth: July 30, 1970, Dearborn, MI  
Have been a legal secretary/paralegal and with this firm since, 1991
- 2. Continuing Legal Education:
  - A. Attended Chapter 13 seminar Re: TRAC; Southfield, MI - 4 hours
  - B. Attended Chapter 13 Network seminar; Southfield, MI - 2007 - 1-2 hours
  - C. Consumer Bankruptcy Institute, Plymouth, Michigan, April 1, 2011 - 7 hours

Exhibit D

**United States Bankruptcy Court  
Eastern District of Michigan**

In re **Joiseppi Lombardo- 9923**  
**Debra Lombardo-2637**

Debtor(s)

Case No. **11-55577-T**  
Chapter **13**

**5355 Goedert Drive  
Tecumseh, MI 49286**

**NOTICE OF SECOND APPLICATION FOR APPROVAL OF PAYMENT FOR POST  
CONFIRMATION ATTORNEY FEES AS AN ADMINISTRATIVE EXPENSE THROUGH CHAPTER  
13 PLAN PURSUANT TO L.B.R. 9014-1 (E.D.M.) FROM 12/3/11 THROUGH 8/14/14**

Debtors have filed papers with the court for Debtors Attorney's Second Application for Approval of Payment for Post Confirmation Attorney Fees as an Administrative Expense through Chapter 13 plan.

<b>Fees Requested:</b>	\$695.50
<b>Expenses Requested:</b>	\$43.80
<b>Time Period:</b>	12/3/11 through 8/14/14
<b>Prior Award to Date</b>	\$4368.34 Fees by Application
<b>Prior fees paid directly from debtor</b>	\$0.00

PLEASE NOTE: The this application is available for public review at the Clerk's Office, 21st Floor, U.S. Bankruptcy Court, 211 W. Fort Street, Detroit, MI, Monday through Friday, from 8:30 a.m. to 4:00 p.m.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to grant the Motion for Approval of the First Fee Application, or if you want the court to consider your views on the motion. Within 21 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:

United States Bankruptcy Court  
211 W. Fort Street, Suite 2100  
Detroit, MI 48226-3211

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

William C. Babut (P41099)  
Thomas Paluchniak (P70284)  
Attorneys for Debtor  
700 Towner Street  
Ypsilanti, MI 48198

Tammy L. Terry  
Chapter 13 Trustee  
535 Griswold, Suite 2100  
Detroit, MI 48226

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

**If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.**

Attorney /s/ Thomas Paluchniak

**Thomas Paluchniak P70284  
Babut Law Offices, PLLC  
700 Tonwer Street  
Ypsilanti, MI 48198  
734-485-700  
pmontgomery@babutlaw.com**

**United States Bankruptcy Court  
Eastern District of Michigan**

In re **Joiseppi Lombardo  
Debra Lombardo**

Debtor(s)

Case No. **11-55577-T**  
Chapter **13**

**Statement of account**

Babut Law Offices, PLLC  
Attorneys & Counselors at Law  
700 Towner Street  
Ypsilanti, MI 48198

To: Joiseppi and Debra Lombarda  
5355 Goedert Drive  
Tecumseh, MI 49286

Date	Transaction	Qty	Rate	Amount	Balance
12/5/11	TM-received letter from trustee regarding periodic audit and sent client a copy.	0.2	75.00	15.00	15.00
1/3/12	TM-prepared and filed certificate of no response to first application for pre and post confirmation attorney fees.	0.2	75.00	15.00	30.00
1/3/12	TM-submitted proposed order for first application for attorney fees for entry with the court.	0.1	75.00	7.50	37.50
1/9/12	TM-prepared letter to trustee and enclosed a copy of the signed order approving first application for attorney fees.	0.2	75.00	15.00	52.50
10/08/12	TM-did one year review of case on chapter 13 network system, compared proof of claims with trustee's and claims registry.	0.6	75.00	45.00	97.50
10/8/12	TM-prepared letter to client and sent copies of print outs from review.	0.2	75.00	15.00	112.50
2/6/13	TM-review transfer of claim other for security for security vanda, llc to candica, llc. Filed in file.	0.1	75.00	7.50	120.00
4/3/13	TM-reviewed transfer of claim other for security for us bank national association c/o ocwen loan services to american home mortgage services, inc. Just filed in file.	0.1	75.00	n/c	120.00
4/9/13	TM-did follow up review of case on chapter 13 trustee network system for status of case.	0.4	75.00	30.00	150.00

4/9/13	TM-prepared letter to clients regarding follow up review and enclosed copies of printouts.	0.2	75.00	15.00	165.00
7/9/13	TM-review transfer of claim other for security deutsche bank national trust company c/o ocwen loan servicing, llc to home mortgage servicing. Just filed.	0.1	75.00	7.50	172.50
11/11/13	TM-did a review of case on the chapter 13 network system for status of case.	0.4	75.00	30.00	202.50
11/11/13	TM-prepared letter to client regarding review and possible plan modification and enclosed copies of printouts.	0.2	75.00	15.00	217.50
11/13/13	TM-client called regarding review and her options.	0.2	75.00	15.00	232.50
5/2/14	WCB-met with clients regarding job change, payment order, 2011, 2012 and 2013 tax returns.	0.5	265.00	132.50	365.00
5/5/14	TM-prepared proposed stipulation and order to amend payment order.	0.3	75.00	22.50	387.50
5/5/14	TM-prepared cover sheet for amendments with statement of affirmations and certificate of service for schedule i and j.	0.4	75.00	30.00	417.50
5/20/14	TM-trustee's office sent back signed stipulation and exhibit a for amend pay order. Filed stipulation with exhibit a with the court.	0.2	75.00	15.00	432.50
5/20/14	TM-submitted proposed order to amend payment order for entry with the court.	0.1	75.00	7.50	440.00
7/15/14	TM-Debra called saying that they were still not taking payment from husbands pay check.	0.2	75.00	15.00	455.00
7/15/14	TM-pulled file to review why payment wasn't coming out of husbands pay. Sent trustee another copy of the signed order to amend payment order.	0.4	75.00	30.00	485.00
8/14/14	TM- Postage for serving of the Second Application for Approval of Post Confirmation Attorney fees.	58	0.48	26.40	511.40
8/14/14	TM- Copies for serving Chapter 13 Second Application for Attorney fees for Post Confirmation (12 pages down to 3).	174 FEE APP	0.10	17.40	528.80
8/14/14	TM-reviewed and printed out print out for the purpose of preparing this Second application for post	0.3	75.00	22.50	551.30



attorney fees.

8/14/14	TM-prepare and sent letter to clients regarding second application for approval of our attorney fees (exhibit E).	0.2	75.00	15.00	566.30
8/14/14	TOM-reviewed and signed this application for filing with the court.	0.2	225.00	45.00	611.30
8/14/14	WCB-reviewed application for filing with the court.	0.2	265.00	53.00	664.30
8/14/14	TM-Prepare and file second Application for Approval of Post Confirmation attorney fees.	1.0	75.00	75.00	739.30

Amount due: \$739.30

Code	Staff Person	Position	Rate
WCB	William C. Babut	Attorney	\$265.00/hour
JGF	Greg Frye	Attorney	\$225.00/hour
TOM	Thomas Paluchniak	Attorney	\$225.00/hour
TM	Trish Montgomery	Paralegal	\$75.00/hour

Attorney /s/ Thomas Paluchniak  
**Thomas Paluchniak P70284**  
**Babut Law Offices, PLLC**  
**700 Tonwer Street**  
**Ypsilanti, MI 48198**  
**734-485-700**  
**pmontgomery@babutlaw.com**

Exhibit B

**United States Bankruptcy Court  
Eastern District of Michigan**

In re Joiseppi Lombardo  
Debra Lombardo

Debtor(s)

Case No. 11-55577-T  
Chapter 13

**PROPOSED**  
**ORDER APPROVING SECOND PAYMENT FOR POST CONFIRMATION ATTORNEY FEES AS**  
**AN ADMINISTRATIVE EXPENSE THROUGH CHAPTER 13 PLAN PURSUANT TO L.B.R. 9014-1**  
**(E.D.M.) FROM 12/3/11 THROUGH 8/14/14**

This matter having come on to be heard upon the application of the attorney for the Debtors', all interested parties having been served with notice of the application and the provisions of L.B.R. 9014-1 and 2016-1 (E.D.M.) having been met, and the Court being otherwise fully advised in the premises;

IT IS HEREBY ORDERED THAT:

1. The court approves applicant's fees and expenses as follows:

Prior fees award::	\$4103.00	
Prior costs awarded:	\$265.34	
Total award to date:		\$4368.34
This award for fees:	\$695.50	
This award for costs:	\$43.80	
Total this award:		\$739.30
GRAND TOTAL FEES AND COSTS:	\$5107.64	
Less previously fees awarded:		\$(4368.34)
BALANCE DUE:		\$739.30

2. This award cover services rendered and expenses incurred during the time period of 12/3/11 to 8/14/14.
3. Debtor's counsel shall serve a copy of this Order upon the Chapter 13 Trustee.
4. To the extent that fees and costs pursuant to this Order are not disbursed by the Chapter 13 Trustee, they shall be paid directly by the Debtor(s) following dismissal.

Exhibit A

**United States Bankruptcy Court  
Eastern District of Michigan**

In re Joiseppi Lombardo  
Debra Lombardo

Debtor(s)

Case No. 11-55577-T  
Chapter 13

**CERTIFICATE OF SERVICE**

I hereby certify that on September 18, 2014, a copy of Second Application for Approval of Payment for Post Confirmation Attorney Fees as an Administrative Expense through Chapter 13 Plan Pursuant to L.B.R. 9014-1 (E.D.M.) from 12/3/11 through 8/14/14, Notice of Second Application for Approval of Payment for Post Confirmation Attorney Fees as an Administrative Expense through Chapter 13 Plan Pursuant to L.B.R. 9014-1 (E.D.M.) from 12/3/11 through 8/14/14, Exhibit A, Exhibit B, Exhibit C, Exhibit D, Exhibit E, Exhibit F, Exhibit G and matrix was served electronically or by regular United States mail to all interested parties, to the Chapter 13 Trustee, to the U.S. Trustee and all creditors listed below.

13th Circuit Court

American Home Mortgage

American Home Mortgage

AmeriCredit

Americredit

Bader & Sons

Baileys Water Care

Bank of America

Capital One

Capital One

Dell Computer

Department of Education

Department of Veterans Affairs

Dept of Ed/Sallie Mae

Dish Network

Diversified Adjustment Service

First Premier Bank

First Premier Bank

Frontier

GE Money/ Lowes

GEMB/JcPenney

GEMB/Lowes

GEMB/Walmart

HFC

Household Credit Services

HSBC Bank

HSBC Bank

HSBC Household Finance

Lenawee Sanitation, Inc

LJ Ross

Midland Credit Management

Paragon Way Inc

Portfolio Reover Assoc

Portfolio Reover Assoc

Radants Electric

Shermeta & Adams, PC

Social Security Administration

State Auto

State of Michigan

Tecumseh Club

Tecumseh Plywood

The CBE Group, INC

**TLC Community Credit Union**

**Tru Green**

**US Attorney**

**US Department Of Education**

**Joiseppi and Debra Lombardo**

**/s/ Patricia E. Montgomery**

**Patricia E. Montgomery**

**Babut Law Offices, PLLC**

**700 Towner Street**

**Ypsilanti, MI 48198**

**(734) 485-7000 Fax: (734) 485-6251**

**pmontgomery@babutlaw.com**